

**REMARKS**

Claims 1-28 are pending in the application, and claims 1-3, 5, 7, 9, 15-21, 23-25 and 27-28 are rejected. Claims 4, 6, 8, 10, 11-14, 22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. With this response claim 11 is amended in response to the § 112 indefiniteness rejection for lack of antecedent basis.

The amendment to claim 11 is necessary to correct the lack of antecedent basis problem created by the previously presented amendment to claim 1. The scope of claim 11 is not affected by the amendment, and no new issues are raised requiring an additional search. Therefore, application respectfully requests that the after final amendment to claim 11 be entered.

**Claim Rejections Under § 112**

At section 4 of the Office Action claim 11 is rejected under 35 U.S.C. § 112, second paragraph as indefinite due to insufficient antecedent basis. Claim 11 is amended to replace “first” with “radio interface,” which makes it clear that “the radio interface protocol” refers to this element listed in claim 1. Therefore, applicant respectfully requests that the rejection to claim 11 be withdrawn.

**Claim Rejections Under § 102(e)**

At section 8 of the Office Action claims 1-3, 5, 7, 9, 15-21, 23-25 and 27-28 are rejected under 35 U.S.C. § 102(e) as anticipated by Rinne et al. (U.S. Patent No. 6,574,473). The independent claims are claims 1, 17, 23 and 27.

Applicant respectfully submits that Rinne fails to disclose or suggest independent claim 1, because Rinne does not disclose or suggest “defining a protocol initialization unit containing predefined information of a first termination point of the radio interface

protocol by the radio interface protocol,” as recited by claim 1. Furthermore, Rinne fails to disclose or suggest “transferring the protocol initialization unit from the first termination point to a second termination point of the radio interface protocol by means of a second protocol,” as claimed in claim 1.

Rinne discloses the control of a handover between base stations, which are controlled by different radio network controllers. In Rinne, an anchor radio network controller is used to route data to another radio network controller that controls a base station chosen to be the active base station for communication with a mobile station. See column 4, lines 40-48. When the mobile station communicates with another base station controlled by a different radio network controller than the one controlling the base station which previously communicated by the mobile station, data is routed to the different radio network controller by chaining, or by of an optimized connection where the connection between the anchor radio network controller and the ‘old’ radio network controller switches to a connection between the anchor radio network controller and a ‘new’ radio network controller. See column 5, lines 1-7. In both arrangements disclosed in Rinne, the connection between the anchor radio network controller and the mobile station before and after handover is maintained. While Rinne does discuss transferring the anchor function from one radio network controller to another radio network controller, this is not accomplished by transferring a protocol initialization unit from the first termination point to a second termination point by means of a second protocol, as recited in claim 1. See column 9, lines 9-11. Instead, the anchor function is transferred using an actively participating protocol. See column 9, lines 12-14. Furthermore, Rinne does not disclose or suggest “defining a protocol initialization unit” that will contain predefined information of the anchor radio network controller. Instead, Rinne discloses that the anchor radio network controller negotiates with a new radio network controller to set up the user data transmission link.

Furthermore, there is no disclosure in Rinne of defining a protocol initialization unit by a radio interface protocol and transferring the protocol initialization unit by a second protocol. In any event, the transfer of information from the anchor radio network controller to the new radio network controller does not relocate a protocol termination point as claimed in claim 1, because Rinne discloses that the connection between the anchor radio network controller and the terminal is maintained before and after a handover. Therefore, Rinne fails to disclose or suggest all of the limitations recited by claim1, and claim 1 is patentable over Rinne.

Independent claims 17, 23 and 27 all contain limitations similar to those recited in independent claim 1, and are rejected for the same reasons. Therefore, for at least the reasons discussed above in relation to claim 1, independent claims 17, 23 and 27 are neither taught or suggested by Rinne.

Dependent claims 2-3, 5, 7, 9, 15-21, 24-25 and 28 all depend directly or indirectly from an independent claims, and are patentable at least in view of their dependencies.

#### **Allowable Subject Matter**

Dependent claims 4, 6, 8, 10-14, 22 and 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above arguments and the dependencies of the allowable claims, applicant submits that these claims are patentable and does not wish to rewrite the objected claims in independent form.

**Conclusion**

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The undersigned authorizes the Commissioner to charge any fee deficiency to Deposit Account No. 23-0442.

Respectfully submitted,

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